

## **EXHIBIT E**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN)  ECF Case
This document relates to:  <i>Thomas Burnett, Sr., et al. v. The Islamic Republic of Iran, et al.</i>	15-cv-9903 (GBD) (SN)  ECF Case

**DECLARATION OF EDGAR GUTIERREZ**

I, Edgar Gutierrez, pursuant to 28 U.S.C. § 1746, do hereby declare under penalty of perjury as follows:

1. I am more than 18 years of age and competent to testify in court to the matters stated below. The statements made in this Declaration are based on my personal knowledge unless otherwise indicated.

2. At the time of the terrorist attacks of September 11, 2001, I was a citizen of Colombia. I later became a United States Citizen in 2013. Attached as Exhibit A to this Declaration is a true and correct copy of my current proof of U.S. citizenship.

3. On the day of these horrific attacks, I worked as a catering supervisor with Lackman Culinary Services, a catering company located on the 43rd Floor of the South Tower. Lackman provided catering and food services for all of the Morgan Stanley Dean Witter employees who worked in the South Tower. I had been employed with Lackman for over a year at the time of the 9/11 attacks. Attached as Exhibit B to this Declaration is a true and correct copy of my proof of employment with Lackman at the WTC at the time of these terrorist attacks.

4. On the morning of September 11th, I had arrived at work on the 43rd Floor of the South Tower at my usual time of approximately 5:00 a.m. As I worked in the walk-in refrigerator of the kitchen area, a coworker approached and told me that there had been an explosion outside of the building. As I then looked out of one of the large windows of the building, I saw smoke and fire coming from the upper section of the North Tower and debris falling down the side of the building. I became fearful and concerned that I might be in extreme danger.

5. My supervisor ordered my coworkers and I to immediately leave the South Tower. I went to the elevators but they were no longer operable, so I entered the emergency stairwell and descended the stairs. As I walked down the stairs from the 43rd Floor, building security informed us that the damage in the North Tower had not impacted the South Tower, so we could return to our office locations in the South Tower. I ignored those instructions and I continued to descend the stairs to leave the South Tower.

6. At some point during my descent, I heard a loud noise above me (which I later learned was the sound of United Airlines Flight 175 slamming into the upper section of the South Tower). People around me began to panic and they rushed down the stairs in an attempt to flee the building. I continued my descent until I reached the Ground Floor of the South Tower.

7. I quickly exited from the building after I had reached the Ground Floor area of the South Tower. The scene outside of the South Tower looked like a war zone. I saw injured people everywhere, people who had been severely burned, and everyone was crying and screaming. I saw dead bodies and body parts, and I watched in horror as victims jumped to their deaths from the upper sections of the South Tower. To this day, these images haunt me.

8. As I attempted to flee from the area and the chaos surrounding the WTC Towers, the South Tower collapsed. I had to jump between cars to avoid the falling debris from the collapse of the South Tower, and I severely twisted my left knee. I felt tremendous pain shooting through my left knee, and I

became engulfed in a debris cloud that contained chemicals, toxins, and building dust. I inhaled large quantities of these substances into my lungs and airways, and I struggled to breathe.

9. Determined to survive these horrific events, I pulled myself up from the concrete. Despite my left knee injury, I limped away from the WTC area and I walked on foot to my home as none of the area trains were functioning.

10. Attached as Exhibit C to this Declaration is a true and correct copy of my select relevant medical records<sup>1</sup> confirming my physical and emotional injuries following the September 11, 2001, terrorist attacks.

11. I sought initial medical treatment for my 9/11-related injuries shortly after the events of 9/11. In the months and years after the events of 9/11, I further sought medical treatment with several orthopedic doctors, lung doctors, and psychiatrists for my physical and emotional injuries. As a result of these terrorist attacks, I suffered the following injuries on September 11, 2001: left knee derangement with torn meniscus<sup>2</sup> that later required arthroscopic knee surgery<sup>3</sup>; due to the large quantities of dust, chemicals, toxins, and building debris that I inhaled, I now suffer from gastroesophageal reflux disease (GERD)<sup>4</sup>, obstructive airway disease<sup>5</sup>, and an upper respiratory disease<sup>6</sup>. Further, due to the horrific events that I experienced on 9/11, my doctors diagnosed me with depression, anxiety, and post-traumatic stress disorder<sup>7</sup>. The World Trade Center Health Program has further confirmed my 9/11-related inhalation and emotional injuries<sup>8</sup>.

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<sup>1</sup> See, 9/11 Injury Records of Edgar Gutierrez (GUTIERREZ\_MEDS\_0001), attached hereto as Exhibit B, at 0001-0015.

<sup>2</sup> *Id.* at 0001, 0002, 0004, and 0006.

<sup>3</sup> *Id.* at 0007-0013.

<sup>4</sup> *Id.* at 0006, 0009, and 0014.

<sup>5</sup> *Id.* at 0006, 0009 and 0014.

<sup>6</sup> *Id.* at 0006, 0009, and 0014.

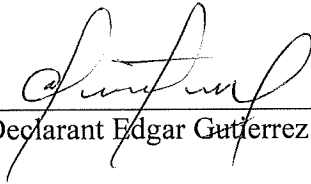
<sup>7</sup> *Id.* at 0003-0006, 0009, and 0014.

<sup>8</sup> *Id.* at 0014-0015.

12. I previously pursued a claim (VCF 0003596) through the September 11th Victim Compensation Fund (VCF) specifically related to my physical injuries incurred on September 11, 2001, and my claim was determined to be eligible for compensation.

I DECLARE, VERIFY AND STATE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

DATED this 15 day of February 2024.

  
Declarant Edgar Gutierrez

**EXHIBITS  
FILED  
UNDER SEAL  
(ECF No.  
5716)**